

creeks, or coves, any area, not exceeding one acre in extent, for the purpose of depositing, bedding, or sowing any oysters, or other shell fish, either for domestic use or exportation; and all oysters or other shell fish, so deposited, bedded, or sowed, or contained therein, or upon the bottom of such area or superficies, shall be deemed and held in law as the proper estate and rightful property, of the person who caused the same to be so located, or appropriated and deposited, bedded or sowed therein, as aforesaid: *Provided* however, that the same location or appropriation shall be indicated and distinctly defined by stakes, bushes, or other proper marks, or metes and bounds; which indication and definition shall be described in writing, under the oath or affirmation and recorded at the cost of the party applying, in the office of the clerk of the proper county: and provided also, that the said location and appropriation, shall not injure, obstruct or impede the free navigation of any estuary or navigable stream in this state.

Made individual property

Must be staked off & recorded.

Navigation protected.

Right of pre-emption along shore.

**Sec. 2.** *And be it enacted,* That the proprietor of the adjacent shore shall have a right of pre-emption for one acre of superficies, extending along the shore from the ordinary low water mark, in the direction of the main channel, to be equilateral, or as nearly square as the situation and circumstances may admit of, subject, however, to the limitations hereinbefore contained: *And provided,* that the said location shall be selected and completed on or before the first day of January next: *And provided also,* that no person or persons, other than the citizens of the county into which any creek or inlet may run, or extend, from any bay, sound, river, or other main stream, shall be entitled to select, stake out, and use, any part or portion, of any such creek or inlet, so running into, or being encompassed on either side by any one county; and that any proprietor, into whose land a creek, cove, or inlet, may make, which at its mouth does not exceed one hundred yards in width, shall have the exclusive right of such creek, cove, or inlet, for the deposit and use of any oyster or other shell fish: *Provided always,* that no such selection or exclusive use of any oyster bar or bars, shall be authorised or allowed by this act.

Conditions stipulated

Right to inlets, &c

Proviso.

Taking oysters, &c. from depots, deemed a misdemeanor.

**Sec. 3** *And be it enacted,* That it shall not be lawful for any person or persons, to catch, or take any oysters or other shell fish, within the limits or adopted depot, of any citizen of this state, as described by this act, without permission first had and obtained from the proprietor of such depot; and any such taking, either by day or by night, shall be deemed and held in law to be a trespass, and deemed a misdemeanor in the cases hereinafter mentioned; *Provided, however,* that the proper owner of such depot shall keep up, from year to year, and shall annually deposit, bed, or sow thereon, a quantity of oysters or other shell fish, for improvement, as contemplated by this act, sufficient to preserve the increase and growth of such oysters or shell fish, in the depot so selected, as aforesaid;

Proviso.